

# THE COMMUNICATOR

OFFICIAL PUBLICATION OF THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING,  
LAND SURVEYING, LANDSCAPE ARCHITECTURE, GEOSCIENCE & INTERIOR DESIGN

2010 VOLUME 15, NUMBER 2



## *Letter from the Chair*

**KRISTINE KUBES, JD, PUBLIC MEMBER**

In May, the Board welcomed three new members to service – David Krech, PE; Peter Miller, PSS; and Marjorie Pitz, LA. Although they have only been serving a few months, we already owe them bountiful appreciation, as they have each jumped in to assist with the Board's work. As I have noted in the past, the interdisciplinary work of this Board is inspiring – and a great example of “integrated project delivery” on the organizational level.

With one year of productive grass-roots education and outreach behind us on the issue of professional ethics, the Board is now moving forward with a legislation that will include the following items:

1. Strengthening the Practice Act: Clarifying that the designation “P.E.” refers only to “professional engineer” and may be used only by a licensed professional engineer.
2. Fees: Clarifying certain fees for architects and CIDs; adding a fee for service for verification of licenses and exams (for those licensed in multiple jurisdictions); removing redundant fees; clarifying that application fees are not refundable.
3. Continuing Education (CE): Reapportioning 2 out of the 24 PDH due every two years for ethics; adding language about record-keeping; setting a cap for PDH on reinstatement of licensure; and clarifying that CE with maximums may not be carried over to the next licensing period.
4. Housekeeping: Removing obsolete language in the geoscience and interior design sections; deleting language about Board approval of seals, as seals are optional and the Board does not review/approve them; deleting requirement that Board develops ADA exam questions, as the National Boards write the exams; and correcting the name of the accrediting body for engineering curriculum.

To usher this legislation forward and lead the Board's initiative in the months to come, I have appointed a Legislative Action Team, whose members are: Jim

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### BOARD NUMBERS

651.296.2388

TTY 800.627.3529

Fax 651.297.5310

### Investigator:

Lynette DuFresne: 651.757-1510

[www.aelslagid.state.mn.us](http://www.aelslagid.state.mn.us)

## BOARD MEMBERS (TERM ENDS)

Kristine Kubes, JD, Public Member (2013)

### BOARD CHAIR

William Arockiasamy, PE (2012)

### VICE CHAIR

Doug Cooley, PE (2014)

### SECRETARY

David Landecker, LS (2012)

### TREASURER

Lyn Berglund, CID (2012)

Mary Deeg, CID (2013)

Gary Demele, Architect (2011)

David Fisher, CBO, Public Member (2013)

James Grube, PE (2013)

Thomas Grue, PE (2011)

Lisa Hanni, LS (2011)

Bruce Johnson, PG (2011)

David Krech, PE (2014)

Billie Lawton, Public Member (2011)

Paul May, Architect (2012)

Micki Miller, Public Member (2013)

Peter Miller, PSS (2014)

Carl Peterson, CPA, Public Member (2013)

Marjorie Pitz, LA (2014)

Robert Seeger, Architect (2013)

John Uban, LA (2012)

## BOARD STAFF

**Doreen Frost**

EXECUTIVE DIRECTOR

**Lynette DuFresne**

INVESTIGATOR

**Andrea Barker**

RULES COORDINATOR/CONTINUING EDUCATION

**Geri Britton**

LICENSING: ARCHITECT/FS/LS

**Holly Salmela**

LICENSING: FE/PE COMITY/LA/GEOSCIENCE

**Jordan Daoust**

LICENSING: PE/PE COMITY

**Sheri Lindemann**

CERTIFICATION: CID

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Grube, PE, Chair; Bill Arockiasamy, PE; Lyn Berglund, CID; Doug Cooley, PE; Kristine Kubes, PM; David Landecker, LS; Carl Peterson, PM; and Bob Seeger, Arch. I extend my thanks to these Board Members for taking on the additional commitments and meetings to work for improving the statutes for all licensees.

To date, Board members have met with representatives from the professional societies of all disciplines to explain the specific need and rationale for each element of the proposed legislation and to request and obtain support for this legislative initiative. In the same spirit, I hereby request all licensees and certificate holders to support this legislation and speak with your respective state legislator to request support for this legislation. Together, we can bring these much-needed changes to fruition. Thank you.

## DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing Are Received

**Proposed New Rules and Amendment to Rules Governing Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Certified Interior Design, Minnesota Rules, 1800.0050, 1800.0100, 1800.0110, 1800.0120, 1800.0130, 1800.0140, 1800.0400, 1800.1500, 1800.1700, 1800.2100, 1800.2200**

**Introduction.** The Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design (Board) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, Minnesota Rules, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, Minnesota Statutes, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on January 19, 2011, the Board will hold a public hearing in Suite 295, Golden Rule Building, 85 E. 7th Place, St. Paul, Minnesota 55101, starting at 9:00 a.m. on Monday, February 7, 2011. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after January 19, 2011 and before February 7, 2011.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Andrea Barker at Board of AELSLAGID, 85 East 7th Place, Suite 160, St. Paul, Minnesota 55101; Phone: 651-757-1511; Fax: 651-297-5310; andrea.barker@state.mn.us. TTY users may call the Board of AELSLAGID at 1-800-627-3529.

**Subject of Rules and Statutory Authority.** The proposed rules are about: Updating the education and experience requirements for licensure as a landscape architect or certification as a certified interior designer; requiring response to communications from the Board; appearing before the Board following request from the Board; notifying the Board of address change, name change, felonies and disciplinary action; and defining cheating on examinations, remedial action, and examination security. The statutory authority to adopt the rules is Minnesota Statutes, section 326.06



(2010). A copy of the proposed rules is published in the State Register and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on Wednesday, January 19, 2011 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Wednesday, January 19, 2011. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in Minnesota Statutes, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The Board may modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Board follows the procedure under Minnesota Rules, part 1400.2110. If the proposed rules affect you

in any way, the Board encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The Board will cancel the hearing scheduled for February 7, 2011 if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at 651-757-1511 after January 19, 2011 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Board will hold a hearing following the procedures in Minnesota Statutes, sections 14.131 to 14.20. The Board will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Manuel J. Cervantes is assigned to conduct the hearing. Judge Cervantes can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7945, and FAX 651-361-7936.

**Hearing Procedure.** If the Board holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by Minnesota Rules, parts 1400.2000 to 1400.2240, and Minnesota Statutes, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. The SONAR is also available on the Board's website at [www.aelslagid.state.mn.us](http://www.aelslagid.state.mn.us).

**Lobbyist Registration.** Minnesota Statutes, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The Board will submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

*Signed by Doreen Frost, Executive Director  
November 22, 2010*

The proposed rule language and Statement of Need and Reasonableness (SONAR) are available on the Board's website at [www.aelslagid.state.mn.us](http://www.aelslagid.state.mn.us). Send written comments to Andrea Barker at Board of AELSLAGID, 85 East 7th Place, Suite 160, St. Paul, Minnesota 55101; Phone: 651-757-1511; Fax: 651-297-5310; [andrea.barker@state.mn.us](mailto:andrea.barker@state.mn.us) by 4:30p.m., January 19, 2011.

## Nature and Effect of Proposed Rules

The nature of the proposed rules of the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design (Board) is to amend its current rules that generally pertain to all licensees and specifically pertain to the licensure of landscape architects and the certification of certified interior designers and their application process. The proposed rules will update the education and experience requirements for licensure as a landscape architect or certification as a certified interior designer.

The proposed rules also include new rule language pertaining to all applicants, licensees and certificate holders, specifically adding a cooperation clause and language prohibiting examination cheating. The new rules will require response to communications from the Board; appearance before the Board following request from the Board; notification of address change, name change, felonies and disciplinary action; and will define cheating on examinations, remedial action, and examination security.

Changes to the education and experience requirements for landscape architect applicants are intended to update and clarify the requirements which have been in place since landscape architect licensure began in Minnesota over 30 years ago.

Changes to the education and experience requirements for certification of interior designers are intended to update and clarify the requirements that have been in place since interior design certification began in Minnesota in 1992.

The proposed new rules, referred to as the "Cooperation Clause," are intended to require applicants, licensees and certificate holders to respond to communications from the Board within a specified time period as well as proactively inform the Board of any mailing address change, legal name change, felony or other disciplinary actions. Without this requirement, the Board has limited ability to obtain the information it seeks or to discipline those who do not respond to communications from the Board.

The proposed new rules regarding cheating are intended to define the acts which constitute irregularities or cheating on an examination for licensure or certification. The National Councils who write, own and administer several of the examinations required by Minnesota for licensure or certification require that if an exam candidate is suspected of cheating the state in which that applicant applied is responsible for conducting an immediate investigation. Additionally, if a breach of the examination is by the Board's applicant, the Board may be assessed a significant fine by the National Council if the determination is made that a proctor of the exam failed to properly administer the same. Without the new rules, the Board has limited ability to investigate and discipline an exam candidate suspected of cheating.



# Disciplinary Actions

*Disclaimer: Every effort has been made to ensure that the following enforcement information is correct; however, this information should not be relied upon without verification from the Board office. It should be noted that the names of companies and individuals listed may be similar to the names of parties who have not had enforcement actions taken against them. Disciplinary orders are public data and copies may be obtained by contacting the Board office or by viewing the order on the web page at [www.aelslagid.state.mn.us](http://www.aelslagid.state.mn.us).*

## Disciplinary Actions:

### **In the Matter of Jerry Wayne Anderson Architect License #13639**

On February 5, 2010, the Board issued a Stipulation and Order. Facts: Respondent was first licensed as an architect by the State of Minnesota on February 21, 1979. On June 30, 2008, Respondent's Minnesota architect license expired. On October 20, 2008, Respondent's Minnesota architect license was reinstated. As of the date of this Stipulation, Respondent's Minnesota architect license status is current with an expiration date of June 30, 2010.

On September 18, 2008, Respondent certified and stamped architectural drawings for the 1st Church of Christ Scientist – church roof re-design & replacement project. A true and correct copy of the complete set of drawings for the 1st Church of Christ Scientist – church roof re-design & replacement project, sheets A-1 and A-2 are available in the Board's office. A partial copy of the sheets A-1 and A-2 drawings, showing the project name, date, and certification are on file in the Board office.

In a letter dated October 17, 2008, to Lynette DuFresne, the Board's Investigator, Frank Berg, PE, City of Saint Paul, Minnesota, stated: "The drawings were brought to DSI September 19, 2008, by Mr. Tim Tacheny representing the Church ownership and in pursuit of a building permit. The drawings consisted of architectural sheets A-1 and A-2 and structural sheet S-1. The architectural sheets had been certified by Mr. Anderson the day before (September 18th) and the structural sheet by ... [name of P.E. redacted]... also the day before." A true and correct copy of the October 17, 2008 letter to Lynette DuFresne from Frank Berg, PE, City of Saint Paul, Minnesota, with name of P.E. redacted, is on file in the Board office. A true and correct copy of the complete set of drawings, A-1, A-2 and S-1, with name of P.E. redacted, are available in the Board's office. A partial copy of the A-1, A-2 and S-1 drawings, showing the project name, date, and certification, with name of P.E. redacted, are on file in the Board office.

In the same letter dated October 17, 2008, to Lynette DuFresne, Frank Berg, PE, City of Saint Paul, Minnesota, stated: "I learned that Mr. Anderson's registration had

expired as of June 30, 2008. I explained to Mr. Tacheny that this needed to be cleared up by Mr. Anderson, with the Board, before I would be able to finalize my review."

In a letter to the Board, dated January 22, 2009, Respondent admits: "During the course of finalizing plans for the Church of Christ Scientist, it was brought to my attention that my Minnesota registration as an Architect had lapsed."

In this same letter dated January 22, 2009, Respondent states that he did not receive a renewal notification for his Architect's license. "I did not receive a renewal notification and overlooked the fact that my license was up for renewal. This was definitely my fault for not notifying the Board of change of address for my business at the time of the move, but was entirely a simple oversight." A true and correct copy of the January 22, 2009 letter is on file in the Board office.

In a letter dated July 8, 2009 to Respondent, Lynette DuFresne, Board Investigator, alleged that Respondent practiced without a license as an Architect and held himself out as an Architect during the time Respondent's Architect license had lapsed. Lynette DuFresne further alleged that the Respondent did not conduct himself properly as an Architect and that the Respondent may have practiced professional engineering without a license by preparing or having drawn the drawings identified as sheet S-1, on 09/18/08, for the 1st Church of Christ Scientist, Church Roof Re-Design & Replacement, of Saint Paul, Minnesota project. A true and correct copy of the letter dated July 8, 2009 letter, with name of P.E. redacted, is on file in the Board office.

In a letter dated July 24, 2009 from Respondent to Lynette DuFresne, Board Investigator, Respondent admits that he prepared and drew the plans identified as sheet S-1, dated 09/18/08, for the 1st Church of Christ Scientist – Church Roof Re-design & Replacement project in St. Paul, Minnesota. Respondent states: "[Name of P.E. redacted] did not draw the plans for the 1st Church of Christ Scientist, sheet S-1. The framing plan was discussed with ... [name of P.E. redacted]... and prepared for [name of P.E. redacted]'s review and approval by Jerry W. Anderson. [Name of P.E. redacted]... and I have always agreed that he would do the engineering work and I would draft the plans for his review and approval." "[Name of P.E. redacted]... was to complete this work while I was gone so that we could finalize the project on my return. [Name of P.E. redacted] ran the calculations during my absence, I cannot tell you the exact date, but it was between 9/19/09 and 10/02/09." "[Name of P.E. redacted] did eventually sign and certify the work for the Church."

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In the same letter dated July 24, 2009 from Respondent to Lynette DuFresne, Board Investigator, Respondent states that the original signature on the sheet S-1 was a sticker given to the Respondent some time ago. Respondent stated: "The original signature on sheet S-1 was a sticker given to me some time ago by [name of P.E. redacted]." A true and correct copy of the July 24, 2009 letter, with name of P.E. redacted, is on file in the Board office.

In the same letter dated July 24, 2009 from Respondent to Lynette DuFresne, Board Investigator, Respondent states: "I placed [name of P.E. redacted]'s signature (sticker) on the drawing anticipating that he would be reviewing the final project details and framing plan as well as confirming his load calculations." "We had an understanding that [name of P.E. redacted] would perform all engineering work and that I would draw the plans and details for him. It was not our normal practice to use stickers for signature plates. [Name of P.E. redacted] had given me a few to use for him when timing issues arose or when he might be out of town and deadlines needed to be maintained." A true and correct copy of the July 24, 2009 letter, with name of P.E. redacted, is on file in the Board office.

**Disciplinary Action:** Respondent is reprimanded for the foregoing conduct. Respondent shall pay to the Board a civil penalty of \$3,000.00. On or before June 30, 2010, Respondent shall successfully complete, and submit acceptable documentation thereof, a course in professional ethics, four (4) hours, and which is approved in advance by the Complaint Committee. Completion of any courses or activities for the four (4) hours of professional ethics earned on or before June 30, 2010, that are being submitted for the purpose of fulfilling the four (4) hours of professional ethics in this order shall not count toward any continuing education requirements in the 2010-2012 renewal period or beyond.

#### In the Matter of Kris Alan Pickett Professional Engineer License #21403

On May 6, 2010, the Board issued a Stipulation and Order Facts: Respondent was first licensed to practice professional engineering in the State of Minnesota on June 24, 1991. Respondent's license to practice professional engineering in the State of Minnesota is current, with an expiration date of June 30, 2010. Respondent affirmed the 2010 renewal application on June 24, 2008 at 1:01 PM. In order to continue the online renewal process, it asks the licensee, "Since July 1, 2006, have you had a license disciplined, denied, surrendered, suspended or revoked?" There is a button to check 'yes' or 'no' to this question. Directly below this question it asks the licensee, "I swear or affirm that I have read the foregoing renewal application and continuing education reporting screens and that the statements are true and complete." The next step to complete is a box to click that states, "I accept." Additionally it states, "(You must check this box to continue)." Respondent clicked on the box to continue as his

renewal application was renewed on June 24, 2008. If the Respondent selected 'yes' to the question, "Since July 1, 2006, have you had a license disciplined, denied, surrendered, suspended or revoked," the system would not have let him continue and would have given him the error message: "You cannot renew your license online if you had a license disciplined, denied, surrendered, suspended or revoked. Please contact Lynette DuFresne at 651-757-1510 for assistance."

Respondent was issued a Stipulation and Final Agency Order by the State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors, State of Colorado, on November 20, 2007. The Findings of Fact state: "11. Respondent failed to meet the generally accepted standards of the practice of engineering with regard to the opinion he provided on a grading and drainage plan for a residential property in Severance, Colorado." A true and correct copy of the Stipulation and Final Agency Order issued by the State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors, State of Colorado, on November 20, 2007 is on file in the Board office.

In a letter dated September 29, 2009 to Lynette DuFresne, Board Investigator, Respondent states: "Apparently, I misread the question thinking it was asking if my license had been denied, suspended, surrendered, or revoked. There is no question I entered into a Stipulated Order with the State of Colorado, and I have no reason to hide or deny that fact."

In the same letter dated September 29, 2009, Respondent states: "Your letter has prompted me to consider the condition of my license in the State of Minnesota. I have had no reason or opportunity to practice in your great state for over 15 years, and since engineering career is nearing its' end, maybe the best course of action is for me to retire my license." A true and correct copy of the September 29, 2009 letter is on file in the Board office.

**Disciplinary Action:** Respondent is reprimanded for the foregoing conduct. Respondent's professional engineering license shall be surrendered. Upon receipt of the Board's Order approving this Stipulation, Respondent shall deliver his professional engineering license to the Board office within five (5) business days. Respondent shall not reapply for licensure in this State as a professional engineer. After the Respondent has surrendered his professional engineering license, Respondent shall not: (i) Perform, or offer to perform, any activities in the State of Minnesota requiring licensure under Minnesota Statutes sections 326.02 – 326.15 (2008); nor (ii) Use the title of "Professional Engineer/PE" in connection with his name, or solicit or contract to furnish work requiring licensure within the terms of Minnesota Statutes sections 326.02 – 326.15 (2008), or otherwise hold himself out as a professional engineer in the State of Minnesota.



**In the Matter of Robert A. Berquist  
Architect License #12340**

On July 22, 2010, the Board issued a Stipulation and Order. Facts: Respondent was first licensed to practice architecture in the State of Minnesota on March 8, 1977. On June 30, 1998, Respondent's license to practice architecture in the State of Minnesota expired. On November 2, 2009, Respondent's license to practice architecture in the State of Minnesota was reinstated. As of the date of this Stipulation, Respondent's Minnesota architect license status is current with an expiration date of June 30, 2010.

Respondent submitted an Application for license/certificate reinstatement, received by the Board on October 30, 2009. Respondent included a letter dated October 29, 2009 that stated: "3. Affidavit for Reinstatement (Please note that the form Affidavit was modified so it was factual)." A true and correct copy of the Application for license/certificate reinstatement, along with the October 29, 2009 letter from the Respondent, is on file in the Board office.

In the Affidavit for Reinstatement signed by the Respondent on October 29, 2009, Respondent stated: "4. I have represented myself as an architect, professional engineer, land surveyor, landscape architect, professional geologist, professional soil scientist, or certified interior designer, believing that I had proper licensure and certification, verbally and on printed matter, in the State of Minnesota but will not continue to do so until such time as my license or certificate has been reinstated by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design; and 5. I have performed or offered to perform architectural, professional engineering, land surveying, landscape architectural, professional geological, professional soil scientific, or certified interior designer services, believing that I had proper licensure and certification in the State of Minnesota, but will not continue to do so until such time as my license or certificate has been issued by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design." A true and correct copy of the Affidavit for Reinstatement from the Respondent signed on October 29, 2009, is on file in the Board office.

In a letter dated January 13, 2010, Respondent's attorney, Mr. Steven C. Overom, states: "The enclosed materials, which were prepared by Robert describe the events after his October 26, 2009 discovery and are in response to your letter of December 18, 2009 to him." A true and correct copy of the letter dated January 13, 2010, from Mr. Steven C. Overom is on file in the Board office.

In a letter dated January 14, 2010, from the Respondent to Lynette DuFresne/Complaint Committee, Respondent stated: "October 26, 2009 On this date, while reviewing hours for an intern architect I am mentoring, I checked

my MN registration and discovered at that moment, I did not have a current MN license in my file. I initiated contact with AELSLAGID following the initial shock of that discovery. I called Ms. Andrea Barker to determine the status of my MN registration. She was out of the office at that time. I hastily obtained a renewal form and submitted a belated payment for the past biannual payment." "Following sending payment to Ms. Barker, and being painfully aware that I did not have a current license, I realized I could not truthfully provide professional architectural services in any capacity in Minnesota. I then contacted Alan G. Adams, an architectural colleague, and made arrangements to retain his services in conjunction with two MN projects. Following my confirmation of his availability, I contacted my two current clients and informed them of my actions to retain Alan Adams services as Project Architect on their projects due to my license expiration."

In the same letter dated January 14, 2010, from the Respondent to Lynette DuFresne/Complaint Committee, Respondent stated: "In summary, the allegations stated in paragraph 2 of your letter dated December 18 are true. However, it is both noteworthy and also truthful that my professional activities were consistent with my affidavit which I submitted to AELSLAGID, ..." A true and correct copy of the January 14, 2010 letter from the Respondent to the Lynette DuFresne/Complaint Committee, is on file in the Board office. A true and correct copy of the December 18, 2009 allegation letter is on file in the Board office.

With the same letter dated January 14, 2010, from the Respondent to Lynette DuFresne/Complaint Committee, Respondent included 'Attachment B – Response to Question 1, page 2 of December 18, 2009 letter' which lists the architectural projects he designed or certified from July 1, 1998 until November 2, 2009. The list contains the projects, dates of the projects, and project locations for four hundred thirty six (436) projects. A true and correct copy of the January 14, 2010 letter from the Respondent to the Lynette DuFresne/Complaint Committee, with the 'Attachment B – Response to Question 1, page 2 of December 18, 2009 letter,' is on file in the Board office.

Respondent's position is that any violations of the Minnesota Statutes 326.02 to 326.15 (2008) or Minnesota Rules Chapter 1800 (2009) or Minnesota Rules Chapter 1805 (2009) were unintentional and inadvertent.

**Disciplinary Action:** Respondent is reprimanded for the foregoing conduct. Respondent shall pay to the Board a civil penalty of \$25,000.00.

**In the Matter of James Lee Nelson  
Professional Engineer License #41162**

On July 22, 2010, the Board issued a Settlement Agreement and Cease and Desist Order. Facts:

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Respondent is not currently and never has been licensed by the Board as an architect in the State of Minnesota. Respondent was first licensed to practice professional engineering in the State of Minnesota on June 11, 2001. Respondent's professional engineering license is current, with an expiration date of June 30, 2010. In a letter dated October 20, 2009, Respondent states: "You have the drawings that I signed and certified for the Frito Lay warehouse in Mankato. Copies of these were sent to me in your letter of September 17, 2009. I have enclosed a copy for your further information. Please note on the cover sheet the sheets covered by my seal." A true and correct copy of October 20, 2009 letter is on file in the Board office. A true and correct copy of the drawings sent with the October 20, 2009 letter is on file in the Board office.

Respondent prepared, signed and certified the drawings identified as A1.0 and A1.1 for the Fritolay Warehouse, Mankato, Minnesota project, dated August 10, 2009. A true and correct copy of the drawings identified as A1.0 and A1.1 for the Fritolay Warehouse, Mankato, Minnesota project, dated August 10, 2009 is on file in the Board office.

Respondent's preparation of the drawings identified as A1.0 and A1.1 for the Fritolay Warehouse Mankato, Minnesota project, dated August 10, 2009, constitute the unlicensed practice of architecture.

In a letter dated September 22, 2009, Respondent states: "3. When the City of Mankato refused to honor my architectural engineering license we contracted with Brunton Architects of 300 St Andrews Drive, Suite 210, Mankato, MN 56001 to conform the plans to local specs. Their direction is exactly that—do what is necessary to conform the plans to local rules." and "6. When the City of Mankato refused to honor my license we hired the firm of Brunton Architects of Mankato. The owner is Cory Brunton and I do not have his license number. I can only assume that he is licensed." A true and correct copy of the letter dated September 22, 2009 is on file in the Board office.

**Disciplinary Action:** Respondent shall cease and desist from practicing architecture in Minnesota, and from further violations of Minnesota Statutes sections 326.02 through 326.15 (2008) until such time as he becomes licensed as an architect in the State of Minnesota. Respondent shall pay a civil penalty of \$1,000.00 to the Board.

#### In the Matter of William Wells, Unlicensed

On July 22, 2010, the Board issued a Findings of Fact, Conclusions of Law, and Order. This matter came on for a hearing before Administrative Law Judge Linda F. Close of the Office of Administrative Hearings. On May 25, 2010, the Board received ALJ Close's Finding of Fact, Conclusions, Recommendation and Memorandum

("Report").

#### Findings of Fact (from the ALJ Report):

1. Respondent holds a masters degree in architecture from the University of Minnesota, which degree he received in 2007. To become licensed as an architect in Minnesota, a candidate must comply with requirements of the National Council of Architect Registration Boards (NCARB). NCARB administers the intern development program (IDP), which sets training requirements for architects. NCARB also provides a national exam that is developed through 55 participating jurisdictions. This allows reciprocity among all the participating jurisdictions because the exam is the same everywhere.

2. Respondent is an NCARB IDP record holder, which means he is pursuing training requirements to become licensed as an architect.

3. On December 29, 2008, the Board's Executive Director, Doreen Frost, filed a complaint against Respondent alleging that he had held himself out as an architect and had offered to provide architectural services for residential and commercial projects. Ms. Frost attached to the complaint a copy of a November 20, 2008, letter from Respondent and his company. That letter begins "I am an architect working in your neighborhood on several different projects." The letter further states: "I love being an architect and seeing my clients [sic] dreams come into reality" and "My office handles architectural, land surveying, and engineering needs for residential and commercial projects." The letter is signed "William Wells."

4. In addition, Ms. Frost attached to the complaint a page from Respondent's website. The website includes the following statement: "A Decade of Experience in the Professional Field of Architecture and Construction."

5. The website page also lists various projects to show Respondent's experience. For 2007, the website lists a commercial project and names the project architect as Jim Widder. For 2008, the website lists four residential and two commercial projects. No project architect is listed for the two commercial projects.

6. On January 6, 2009, a Board investigator, Lynette DuFresne, sent a letter to Respondent informing him that an investigation was underway based on a complaint that he may have held himself out to the public as an architect or may have practiced architecture without a license. The letter specifically referenced the November 20, 2008 letter and the website page listing the two commercial projects in 2008.

7. On January 14, 2009, Respondent provided a written response to Ms. DuFresne's letter. He acknowledged incorrectly referring to himself as an architect in the November letter, which he had sent to persons in the neighborhood where he had been working. He explained



that referring to himself as an architect was a marketing error and he should have referred to himself as a residential designer instead. 8. As to the two commercial projects listed under 2008 on Respondent's website, Respondent explained that on one of the projects he did graphic design for the project architect and on the other he provided graphic design services for a project that did not require architectural plans. The letter closed with Respondent's promise to clarify his website and comply with Minnesota law.

9. After receiving Respondent's response to the allegations, Ms. DuFresne consulted with Paul May, an architect member of the Board who serves on the Complaint Committee. In June 2009, Mr. May conferred with other Committee members. The Committee continued to discuss the case in the following months. At some point, the Committee proposed to Respondent a stipulation for the issuance of a cease and desist order along with a civil fine of \$500.00. Respondent asked instead to meet with the Committee.

10. Sometime in September 2009, Respondent met with the Committee.

11. On November 3, 2009, the Board notified Respondent that his application to sit for the Architect Registration Examination (ARE) had been approved. On March 1, 2010, the Board informed Respondent that he had passed the Construction Documents and Services portion of the ARE.

12. The Board has authorized the Committee to issue cease and desist orders pursuant to Minn. Stat. Section 326.111, subd. 3. On March 15, 2010, the Committee issued a Cease and Desist Order and Notice of Right to Hearing to Respondent. The Order recited as the basis for its issuance the three statements in the November 20, 2008, letter quoted in Finding of Fact number 3 above and Respondent's website statement quoted in Finding of Fact number 4 above.

13. From the Order, the Respondent requested this hearing.

#### **Conclusions (from the ALJ Report):**

1. The Administrative Law Judge and the Board have jurisdiction over this matter pursuant to Minn. Stat. Sections 14.50 and 326.111.

2. The Notice of Hearing is proper in all respects. The Board has complied with all procedural requirements of law and rule.

3. A person who engages in the practice of architecture is required to be licensed by the Board as an architect.

4. It is unlawful for a person to practice architecture; to solicit business as an architect; to use the title of architect; to advertise oneself as an architect; or to use a description

that gives the impression that the person is an architect unless that person is duly licensed by the Board.

5. The Board or its complaint committee may issue a cease and desist order to a person to cease and desist from the unauthorized practice of architecture or from violating a statute, rule or order of the Board.

6. At a hearing regarding the cease and desist order, the burden is on the Board to show, by a preponderance of evidence, that the subject of the order engaged in the unauthorized practice of architecture or violated a statute, rule or order of the Board.

7. The Board has met its burden of proving that Respondent violated a statute, rule or order of the Board.

8. The Administrative Law Judges adopts as Conclusions any Findings that are more appropriately described as Conclusions.

**Recommendation (from the ALJ Report):** The Administrative Law Judge recommends that: The Board make permanent the Committee's March 15, 2010, Cease and Desist Order.

**Board Action:** Based on its independent review of all the files, records and proceedings herein, and upon the Report of the Administrative Law Judge, the Board makes the following FINDINGS OF FACT: 1) The Board adopts in their entirety and incorporates as its own all of the Findings of Fact contained in the ALJ's report. 2) Any Finding of Fact herein, which should more properly be deemed a Conclusion of Law, is hereby adopted as such. 3) To the extent that the ALJ's Memorandum (on file in the Board office) contains additional facts, the Board incorporates them herein.

Based on the foregoing Findings of Fact, the Board makes the following CONCLUSIONS: 1) The Board adopts in their entirety and incorporates as its own all of the Conclusions contained in the ALJ's report. 2) Any Conclusion of Law herein, which should more properly be deemed a Finding of Fact, is hereby adopted as such. 3) The ALJ's Memorandum (on file in the Board office) is hereby incorporated into these Conclusions. 4) This Order is in the public interest.

Based on these Findings and Conclusions, as for the reasons explained in the ALJ's Memorandum which the Board has adopted and incorporated herein by reference, the Board makes the following ORDER:

Pursuant to Minn. Stat. Sections 326.02, subds. 1 and 2, and 326.111, subds. 1, 3(a) and 3(d) (2008), that the Cease and Desist Order issued to Respondent by the Committee on March 15, 2010, is modified as follows: Respondent shall cease and desist from holding himself out as an architect in the State of Minnesota until he becomes licensed pursuant to Minn. Stat. Section 326.10 (2008).

**In the Matter of C. Scott Thomas  
Professional Engineer License #18185**

On August 23, 2010, the Board issued a Stipulation and Order. Facts: Respondent was first licensed to practice professional engineering in the State of Minnesota on February 2, 1987. On June 30, 2008, Respondent's license to practice professional engineering in the State of Minnesota expired. On August 11, 2009, Respondent's Minnesota professional engineering license was reinstated.

On August 5, 2009, Respondent self-reported to the Board Investigator, Lynette DuFresne that he practiced without a license and held himself out as a professional engineer during the time his license lapsed. Respondent stated this lapse was unintentional and Respondent was very cooperative.

On August 6, 2009, the Board received the Respondent's Application for License/Certificate Reinstatement through 6/30/2010. A true and correct copy of the Application for License/Certificate Reinstatement through 6/30/2010 is on file in the Board office.

In a letter dated August 6, 2009, Respondent states: "As we discussed yesterday, I am self-reporting a violation in my practice as a Professional Civil Engineer. The violation was inadvertent and without intent, but I accept full responsibility for my action and accept whatever disciplinary action the board deems fit." "The root of my violation is that, under the presumption that I was licensed, I have signed five documents for Xcel Energy plants representing myself as a Professional Engineer. The documents signed are as follows:

1. Construction Certification Report: Phase 2B/3B Construction, Redwing Landfill, Red Wing, Minnesota, dated July 30, 2008.
2. Construction Certification Report: Cell 3/4/5 Closure, Wilmarth Landfill, Mankato, Minnesota, dated September 3, 2008.
3. Spill Prevention Control and Countermeasure (SPCC) Plan for Riverside Plant, Minneapolis, MN, dated November 12, 2008.
4. SPCC Plan for A. S. King Plant, Oak Park Heights, MN, dated April 6, 2009.
5. Construction Certification Report: Cell 8 Construction, Wilmarth Landfill, Mankato, Minnesota, dated July 23, 2009."

A true and correct copy of the August 6, 2009 letter is on file in the Board office.

Respondent submitted a copy of each of the following:

1. The Construction Documentation Report for the Red

Wing Ash Disposal Facility, Phase 2B/3B Construction project, prepared, signed and dated by him on July 15, 2008.

2. The Construction Documentation Report for the Wilmarth Ash Disposal Facility, Cell 3, 4 & 5 Partial Closure project, prepared, signed and dated by him on September 3, 2008.

3. The Riverside Generating Plant, Spill Prevention Control and Countermeasure (SPCC) Plan and Minnesota Spill Bill Plan, prepared, signed and dated by him on November 12, 2008.

4. The Spill Prevention Control and Countermeasure (SPCC) Plan and Minnesota Spill Bill Plan, Allen S. King Generating Plant, prepared, signed and dated by him on April 6, 2009.

5. The Construction Documentation Report, Wilmarth Ash Disposal Facility, Cell #8 Construction project, prepared, signed and dated by him on July 23, 2009.

True and correct copies of each document submitted by Respondent are on file in the Board office.

**Disciplinary Action:** Respondent is reprimanded for the foregoing conduct. Respondent shall pay to the Board a civil penalty of \$3,000.00.

**In the Matter of Alan Kretman, Unlicensed**

On October 16, 2010, the Board issued a Cease and Desist Order and Notice of Right to Hearing. Allegations: 1. A complaint concerning Alan Kretman ("Respondent") has been received and reviewed by the Board's Complaint Committee.

2. Respondent was first licensed as a Landscape Architect in the State of Minnesota on September 24, 1981.

3. Respondent is currently licensed as a Landscape Architect by the Board. Respondent's Landscape Architect license expires on June 30, 2012.

4. Respondent is not currently and never has been licensed by the Board as a professional engineer in the State of Minnesota.

5. Respondent practiced professional engineering without a professional engineer license by signing civil engineering drawings for the 3R's Child Development Center and the Elm Creek Trail Business Park, both located in Brooklyn Park, Minnesota. At the times relevant to the factual allegations herein, Respondent described himself as a Director of ProTerra Design Associates, Inc. ("PDA") and used this title when he corresponded with officials of the City of Brooklyn Park, Minnesota on behalf of PDA.



### 3R's Child Development Center

a. On the C4.1 drawing dated April 1, 2008, Respondent, using his Landscape Architect license #15144, signed and certified a drawing for the 3R's Child Development Center, located in Brooklyn Park, Minnesota. A true and correct copy of this C4.1 drawing for the 3R's Child Development Center, located in Brooklyn Park, Minnesota, dated April 1, 2008 is on file in the Board office as Exhibit A.

b. On the C4.1 drawing (Exhibit A) Respondent, using his Landscape Architect's license #15144, signed and certified for the 3R's Child Development Center, located in Brooklyn Park, Minnesota, states: "PRELIMINARY FOR REVIEW ONLY." The C4.1 drawing could be used for construction by removing the "PRELIMINARY FOR REVIEW ONLY."

c. On the C4.1 drawing (Exhibit A) Respondent, using his Landscape Architect's license #15144, signed and certified for the 3R's Child Development Center, located in Brooklyn Park, Minnesota, specified the sewer line with length, size, and slope. Specifying the sewer line with length, size, and slope, involves engineering analysis and design which is the practice of professional engineering as defined by Minnesota Statutes section 326.02, subdivision 3 (2010). Exhibit A contains highlights of these five (5) areas on the C.4.1 drawing that are specific to the practice of professional engineering. They are labeled as 3.b.1 through 3.b.5:

- 3.b.1 250 LF 8" PVC, 0.40%
- 3.b.2 180 LF 8" PVC, 0.40%
- 3.b.3 430 LF
- 3.b.4 51 LF 8" PVC, 0.40%
- 3.b.5 35 LF 12" RCP.

d. On the C6.1 drawing dated April 1, 2008, Respondent, using his Landscape Architect license #15144, signed and certified a drawing for the 3R's Child Development Center, located in Brooklyn Park, Minnesota. A true and correct copy of this C6.1 drawing for the 3R's Child Development Center, located in Brooklyn Park, Minnesota, dated April 1, 2008 is on file in the Board office as Exhibit B.

e. On the C6.1 drawing (Exhibit B) Respondent, using his Landscape Architect's license #15144, signed and certified for the 3R's Child Development Center, located in Brooklyn Park, Minnesota, specified the 'Storm Drain Bedding and Foundation', the 'Sanitary Sewer Manhole', and the 'Class 'B' Sanitary Sewer Pipe Bedding and Foundation'. The details in those three sections of the drawing are engineering specific. Respondent has provided specific design engineering information which is the practice of professional engineering as defined by Minnesota Statutes section 326.02, subdivision 3 (2010). Exhibit B contains highlights of these three (3) areas on the C.6.1 drawing that are specific to the practice of professional engineering. They are labeled as 4.a.1 through 4.a.3:

- 4.a.1 Storm Draining Bedding and Foundation
- 4.a.2 Sanitary Sewer Manhole
- 4.a.3 Class 'B' Sanitary Sewer Pipe Bedding and Foundation

f. In a letter dated June 16, 2008 from Gary Brown, Director of Engineering and Building Inspections, City of Brooklyn Park, Minnesota, to the Respondent, Gary Brown stated: "Several of my staff members have been reviewing PDA's preliminary design of 3R's Child Development Center to be located on 85th Ave. N., east of city hall. On the front page (C0.1) of the Development Center plans (revised 4-01-08) there is no Civil Engineer listed even though the Landscape Architect and the Surveyor are listed as designers. Plan sheets C4.1 (Utility plan) and C6.1 & C6.2 (Civil Details) were signed by you as a Landscape Architect." A true and correct copy of the June 16, 2008 letter from Gary Brown, Director of Engineering and Building Inspections, City of Brooklyn Park, Minnesota, to the Respondent, is on file in the Board office as Exhibit E.

g. In a letter dated June 24, 2008 to Gary Brown, Director of Engineering and Building Inspections, City of Brooklyn Park, Minnesota, Respondent stated: "You have read the drawings correctly; there is no Civil Engineer on this project at this time. I have legally prepared all the drawings under my Landscape Architect's license from the State of Minnesota." A true and correct copy of the June 24, 2008 letter to Gary Brown, Director of Engineering and Building Inspections, City of Brooklyn Park, Minnesota, signed by Respondent, is on file in the Board office as Exhibit F.

h. In a letter dated January 8, 2009 from Gary Brown, Director of Engineering and Building Inspections, City of Brooklyn Park, Minnesota, Gary Brown stated: "The 3R's application was for a CUP to allow construction of a 15,000 sq. ft. Day Care and all site improvements. Those plans were submitted for Planning approval and Mr. Kretzman was advised that the building permit would not be issued until and unless a civil engineer submitted the plans with an approved signature and registration." A true and correct copy of the letter dated January 8, 2009 from Gary Brown, Director of Engineering and Building Inspections, City of Brooklyn Park, Minnesota, is on file in the Board office as Exhibit H.

### Elm Creek Trail Business Park

i. On the C4.1 drawing, dated July 11, 2008, Respondent, using his Landscape Architect license #15144, signed and certified a drawing for the Elm Creek Trail Business Park, located in Brooklyn Park, Minnesota. Specifying the materials on the C4.1 drawings, is the practice of professional engineering as defined by Minnesota Statutes section 326.02, subdivision 3 (2010). A true and correct copy of this C4.1 drawing for the Elm Creek Trail Business Park, located in Brooklyn Park, Minnesota, dated July 11, 2008 is on file in the Board office as Exhibit C.

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j. On the C6.1 drawing, dated July 11, 2008, Respondent, using his Landscape Architect license #15144, signed and certified a drawing for the Elm Creek Trail Business Park, located in Brooklyn Park, Minnesota. A true and correct copy of this C6.1 drawing for the Elm Creek Trail Business Park, located in Brooklyn Park, Minnesota, dated July 11, 2008 is on file in the Board office as Exhibit D.

k. On the C6.1 drawing (Exhibit D), dated July 11, 2008, Respondent, using his Landscape Architect license #15144, signed and certified a drawing for the Elm Creek Trail Business Park, located in Brooklyn Park, Minnesota, and specified the 'Storm Drain Bedding and Foundation', the 'Sanitary Sewer Manhole', and the 'Class 'B' Sanitary Sewer Pipe Bedding and Foundation'. The details in those three sections of the drawing are engineering specific. The Respondent has provided specific design engineering information which is the practice of professional engineering as defined by Minnesota Statutes section 326.02, subdivision 3 (2010). Exhibit D contains highlights of these three (3) areas on the C.6.1 drawing that are specific to the practice of professional engineering. They are labeled as 10.a.1 through 10.a.3:

- 10.a.1 Storm Draining Bedding and Foundation
- 10.a.2 Sanitary Sewer Manhole
- 10.a.3 Class 'B' Sanitary Sewer Pipe Bedding and Foundation

l. In a letter dated August 4, 2008 from Gary Brown, Director of Engineering and Building Inspections, City of Brooklyn Park, Minnesota, Gary Brown stated: "Mr. Alan Kretman has recently (last week), submitted Preliminary Plans (dated June 11, 2008) for the Elm Creek Trail Business Park (enclosed). He has again signed these preliminary plans that a civil engineer should have prepared, sheets C4.1 Preliminary Utility Plan, sheets C6.1, C6.2, Civil Details, ..." A true and copy of the August 4, 2008 letter from Gary Brown, Director of Engineering and Building Inspections, City of Brooklyn Park, Minnesota, is on file in the Board office as Exhibit G.

m. In a letter dated January 8, 2009 from Gary Brown, Director of Engineering and Building Inspections, City of Brooklyn Park, Minnesota, Gary Brown stated: "On August 4, 2008, I submitted additional information regarding a second submittal that Mr. Kretman made to the City of Brooklyn Park regarding the Elm Creek Trail Business Park. In the case of the Elm Creek Trail Business Park preliminary plans, they were submitted for conceptual plan approval only. Those plans were recommended for approval by the City's Planning Commission even though they were inconsistent with the City's staging plan. On November 24, 2008, the City Council voted to deny the Elm Creek Trail Business Park concept plan." A true and correct copy of the letter dated January 8, 2009 from Gary Brown, Director of Engineering and Building Inspections, City of Brooklyn Park, Minnesota, is on file in the Board office as Exhibit H.

n. In this same letter dated January 8, 2009 (Exhibit H) from Gary Brown, Director of Engineering and Building Inspections, City of Brooklyn Park, Minnesota, Gary Brown stated: "I have also enclosed a recent complaint that the owners have filed against the City for denying the approval of the project. As you can see in the complaint on page 5, paragraph 14, indicates that the City refused to accept the submittal by Mr. Kretman because the information was incomplete....In paragraph 22, of the complaint, the City Council voted to deny the concept plan #08-123 for the following reasons:

1.The application is premature for the following reasons:

A. Roadway improvements are not in place or planned to serve the type of development proposed.

B. Brooklyn Park public utilities are not readily available to serve the site.

C. There are currently approximately 400 acres of vacant land with City services available for office development.

D. The current market does not warrant deviating from the staging plan without specific user identified.

E. The Comprehensive Plan does not call for utilities to be staged into this area at this time.

F. The zoning of the property does not allow for the development as proposed.

G. The civil plans have not been designed by an engineer licensed in the State of Minnesota. "

6. The following order is in the public interest.

**Order:** Respondent Alan Kretman shall CEASE AND DESIST from practicing professional engineering in Minnesota until such time as he becomes licensed as a Professional Engineer in the State of Minnesota.

**In the Matter of Ronald Alwin  
Land Surveyor License #17765**

On October 22, 2010, the Board issued a Stipulation and Order. Facts: Respondent was first licensed to practice land surveying in the State of Minnesota on May 19, 1986. On June 30, 2008, Respondent's license to practice land surveying in the State of Minnesota expired. On December 29, 2009, Respondent's Minnesota land surveyor license was reinstated. As of the date of this Stipulation, Respondent's Minnesota land surveyor license status is current with an expiration date of June 30, 2012.

On December 23, 2009, Respondent self reported to Board Investigator, Lynette DuFresne, that he found out on December 18, 2009 that his land surveyor license had lapsed. Respondent stated that he not knowingly held



himself out and practiced as a land surveyor during the time that his license lapsed.

Respondent submitted his Application for License/Certificate Reinstatement through June 30, 2010, on December 23, 2009. In the Affidavit for Reinstatement attached to the Application for License/Certificate Reinstatement through June 30, 2010, Respondent modified the language in the affidavit. Respondent stated: "4. I have not knowingly represented myself as an architect, professional engineer, land surveyor, landscape architect, professional geologist, professional soil scientist, or certified interior designer, without proper licensure or certification, either verbally or on any printed matter, in the State of Minnesota, nor will I do so until such time as my license or certificate has been reinstated by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design; and 5. I have not knowingly performed or offered to perform architectural, professional engineering, land surveying, landscape architectural, professional geological, professional soil scientific, or certified interior designer services, without proper licensure or certification in the State of Minnesota, nor will I do so until such time as my license or certificate has been issued by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design." A true and correct copy of the Respondent's Application for License/Certificate Reinstatement through June 30, 2010, with the Affidavit for Reinstatement is on file in the Board office.

In a letter dated January 21, 2010, Respondent states: "1.) I did prepare the plat of "HEADWATER VILLAGE SECOND ADDITION" and signed the plat on June 9th, 2009. (reduction enclosed)." "8.) In regard to other plats or surveys I have prepared several plats that have been recorded during this period.

a.) The plat of 'LYNDES CAFÉ SUBDIVISION" was prepared by me and recorded in Hennepin County on June 24th, 2009. (reduction enclosed)

b. [sic] The plat of "HUOT ADDITION" was prepared by me and recorded in Anoka County on June 24th, 2009. (reduction enclosed)

c. [sic] I may have done other surveys during this period but I can not recall them. I have no record of these surveys as my company records have them. [sic] I have no record of these surveys as my company records have been sold to M&P which I am no longer an employee of. I do believe that the previous mentioned plats are all that I worked on during this period...[sic]..." A true and correct copy of the January 21, 2010 letter and the drawings are on file in the Board office.

In a letter dated February 17th, 2010, Respondent states:

"2. Projects that I worked on during this period:

A.) I did prepare the plat of "HEADWATERS VILLAGE SECOND ADDITION" and signed the plat on June 9th, 2009. (Reduction enclosed)."

"H.) In regards to other plats or surveys, I have prepared several other plats that have been recorded during this period.

a. The plat of 'LYNDES CAFÉ SUBDIVISION" was prepared by me and recorded in Hennepin County on June 24th, 2009. (reduction enclosed)

b. The plat of "HUOT ADDITION" was prepared by me and recorded in Anoka County on June 24th, 2009. (reduction enclosed)

c. I may have done other surveys during this period but I can not recall them. I have no record of these surveys as my company records have been sold to M&P which I am no longer an employee of. I do believe that the previous mentioned plats are all that I worked on during this period.

d. At NFront Technologies, during this period, we were setting up the company and only 2 projects have been worked on. The first project is an ALTA Survey for Fenway Investments which has not been completed as yet. The second project was a lot survey for Bossard Construction which was completed. Copies of these 2 surveys are enclosed." A true and correct copy of the February 17, 2010 letter and the drawings are on file in the Board office.

Respondent prepared, certified and signed the drawings for the Headwaters Village Second Addition on June 9, 2009. A true and correct set of drawings is located in the Board office.

On July 15, 2010, the Board received a Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors & Deadlines, that Respondent had filed with the U.S. Bankruptcy Court on July 8, 2010, indicating that the Respondent is a Debtor in a Chapter 7 bankruptcy proceeding.

**Disciplinary Action:** Respondent is reprimanded for the foregoing conduct. Respondent shall pay a civil penalty of \$5,000.00 to the Board, of which \$4,000.00 will be stayed on the condition that Respondent does not violate any Statutes or Rules within the Board's jurisdiction for two (2) years beginning on the date that the Board Chair signs the attached Order. Respondent shall pay a civil penalty of \$1,000.00 to the Board within sixty days (60) days of the Board's approval of this Stipulation and Order.

**In the Matter of R. Arlen Heathman  
Professional Engineer License #16177**

On October 22, 2010, the Board issued an Order For

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FINDINGS OF FACT: 1. Respondent voluntarily agreed to enter into and execute a Stipulation and Order, dated June 12, 2008, Board File No. 2006-0005 ("Stipulation and Order").

2. One of the conditions contained in Paragraph 4(c) of the Stipulation and Order was the requirement that Respondent must successfully complete ten (10) hours of live instruction on Minnesota Building Code Requirements and submission to the Board of written documentation of successful completion of such instruction within twelve (12) months of the date the Board Chair signed the Stipulation and Order. The Stipulation and Order was signed on June 12, 2008.

3. Respondent has not, as of the date of this Order for Additional Discipline, supplied satisfactory information, documentation, or evidence to the Board indicating that he has successfully completed the ten (10) hours of live instruction on Minnesota Building Code Requirements and submitted satisfactory documentation thereof to the Board as referenced in Paragraph 2 hereinabove.

4. Because of Respondent's failure to timely comply with all the conditions contained in the Stipulation and Order, the Complaint Committee has made a recommendation that the Board issue an order imposing the following additional discipline that Respondent's Professional Engineering License, #16177, be suspended until such time as Respondent successfully completes ten (10) hours of live instruction on Minnesota Building Code Requirements and submits satisfactory documentation thereof to the Board, and that Respondent pay a civil penalty in the amount of \$5,000.00 to the Board.

5. Respondent offered supplemental materials for the Board's consideration at the October 22, 2010 hearing, but Respondent's attorney acknowledged that they were not in the proper form and that they were otherwise untimely.

CONCLUSIONS: In Paragraph 5(b) of the Stipulation and Order, Respondent waived any right to a hearing before an administrative law judge, discover, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials regarding the imposition of additional disciplinary action based on a violation of that Stipulation and Order, and agreed to the process and procedures used by the Board in this matter.

2. Respondent's failure to timely successfully complete ten (10) hours of live instruction on Minnesota Building Code Requirements and submit satisfactory documentation thereof to the Board, as required by the Stipulation and Order, is a violation of the Stipulation and Order and a violation of Minnesota Statutes section 326.111, subdivi-

sion 4(a)(1)(2010).

3. In accordance with the provisions contained in Paragraph 5(c) of the Stipulation and Order, the Board may impose additional discipline.

4. The supplemental materials offered by Respondent are not accepted into the record because they are not in proper form and are otherwise untimely.

5. This order is in the public interest.

**Order:** Respondent's Professional Engineer license be suspended, commencing on the date that this Order is approved by the Board, and until such time as the Respondent complies with the June 12, 2008 Stipulation and Order, Board File No. 2006-0005, by successfully completing ten (10) hours of live instruction on Minnesota Building Code Requirements and submitting satisfactory documentation thereof to the Board; and that Respondent pay a civil penalty in the amount of \$2,500 to the Board. Completion of this ten (10) hours of live instruction on Minnesota Building Code Requirements shall not count toward any continuing education requirements pursuant to Minnesota Statutes section 326.107 (2010). Upon satisfaction of all of the aforesaid conditions of this Order, Respondent's Professional Engineer License shall be restored to an unconditional status.

#### **In the Matter of Dean Rafferty Professional Engineer License #12018**

On October 22, 2010, the Board issued a Stipulation and Order. Facts: Respondent was first licensed to practice professional engineering in the State of Minnesota on July 29, 1976. On April 26, 2010, at 10:45 AM, Respondent's license to practice professional engineering in the State of Minnesota was renewed on-line. Respondent was disciplined by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors, on November 19, 2009. A true and correct copy of the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors Consent Order, that was issued on November 19, 2009 is on file in the Board office.

Respondent did not disclose the November 19, 2009 disciplinary action taken by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors, when he renewed his Minnesota Professional Engineer license on-line on April 26, 2010 at 10:45 AM. In order to continue the on-line renewal process, the Board's computer system asks the licensee, "Since July 1, 2008, have you had a license disciplined, denied, surrendered, suspended or revoked?" There is a button to check 'yes' or 'no' to this question. Respondent selected "no" in his on-line response to the question. If Respondent had selected "yes," the Board's computer system would not have let him continue and would have given him an error message: "You cannot renewal [sic] your license online if you had a



license disciplined, denied, surrendered, suspended or revoked. Please contact Lynette DuFresne at 651-757-1510 for assistance.” Directly below this question, the Board’s on-line renewal screen asks the licensee, “I swear or affirm that I have read the foregoing renewal application and continuing education reporting screens and that the statements are true and complete.” The next step to complete is a box to click that states, “I accept.” Additionally it states, “(You must check this box to continue).” Respondent affirmed his 2012 on-line renewal application on April 26, 2010 at 10:45 AM. Respondent clicked on the box to continue as his Minnesota Professional Engineer license was renewed on April 26, 2010.

**Disciplinary Action:** Respondent is reprimanded for the foregoing conduct. Respondent shall pay to the Board a civil penalty of \$1,500.00. Within six months (6) of the Board’s approval of this Stipulation and Order, Respondent shall successfully complete, and submit acceptable documentation thereof to the Board, two (2) hours of course(s) in professional ethics, which is/are approved in advance by the Complaint Committee. Completion of any courses for the two (2) hours of professional ethics instruction earned within six months (6) of the Board approval of this Stipulation and Order, that are being submitted for the purpose of fulfilling the professional ethics instruction required by this Order, shall not count toward any continuing education requirements in the 2012-2014 renewal period or beyond.

#### **In the Matter of Robert Sexton Professional Engineer License #18438**

On October 22, 2010, the Board issued a Stipulation and Order. Facts: Respondent was first licensed to practice professional engineering in the State of Minnesota on July 22, 1987. On May 3, 2010, at 10:49 AM, Respondent’s license to practice professional engineering in the State of Minnesota was renewed on-line. Respondent was disciplined by the Iowa Engineering and Land Surveying Examining Board of the State of Iowa, on July 2, 2009. A true and correct copy of the Iowa Engineering and Land Surveying Examining Board of the State of Iowa Consent Order, that was issued on July 2, 2009 is on file in the Board office.

Respondent did not disclose the July 2, 2009 disciplinary action taken by the Iowa Engineering and Land Surveying Examining Board of the State of Iowa, when he renewed his Minnesota Professional Engineer license on-line on May 3, 2010, at 10:49 AM. In order to continue the on-line renewal process, the Board’s computer system asks the licensee, “Since July 1, 2008, have you had a license disciplined, denied, surrendered, suspended or revoked?” There is a button to check ‘yes’ or ‘no’ to this question. Respondent selected “no” in his on-line response to the question. If Respondent had selected “yes,” the Board’s computer system would not have let him continue and would have given him an error message: “You cannot

renewal [sic] your license if you had a license disciplined, denied, surrendered, suspended or revoked. Please contact Lynette DuFresne at 651-757-1510 for assistance.” Directly below this question, the Board’s on-line renewal screen asks the licensee, “I swear or affirm that I have read the foregoing renewal application and continuing education reporting screens and that the statements are true and complete.” The next step to complete is a box to click that states, “I accept.” Additionally it states, “(You must check this box to continue).” Respondent affirmed the 2012 renewal application on May 3, 2010, at 10:49 AM. Respondent clicked on the box to continue as his Minnesota Professional Engineer license was renewed on May 3, 2010.

**Disciplinary Action:** Respondent is reprimanded for the foregoing conduct. Respondent shall pay to the Board a civil penalty of \$1,500.00. Within six months (6) of the Board’s approval of this Stipulation and Order, Respondent shall successfully complete, and submit acceptable documentation thereof to the Board, two (2) hours of a course(s) in professional ethics, which is/are approved in advance by the Complaint Committee. Completion of any courses for the two (2) hours of professional ethics instruction earned within six months (6) of the Board approval of this Stipulation and Order, that are being submitted for the purpose of fulfilling the professional ethics instruction required by this Order shall not count toward any continuing education requirements in the 2012-2014 renewal period or beyond.

#### **OTHER ACTIONS:**

##### **In the Matter of David Vogel Architect License #17393**

On May 6, 2010, the Board issued an Order. Facts: On March 19th, 1999, the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design (the “Board”) issued an Order For Revocation of License to David A. Vogel (the “Respondent”), which was personally served on Respondent on April 20th, 1999. The Board’s Order for Revocation of License was based on Respondent’s failure to comply with a July 18th, 1997 Stipulation and Order which required Respondent to pay a civil penalty of Five Hundred Dollars (\$500.00) to the Board and take an ethics course approved by the Complaint Committee of the Board.

On April 27th, 2010, the Board received a letter from the Respondent asking to reinstate his license, a payment from Respondent in the amount of \$500.00, satisfying the civil penalty spelled out in the Order for Revocation, and documentation that the Respondent had taken and completed an ethics course on April 20th, 2010, satisfying the Order for Revocation.

On April 28th, 2010, the Complaint Committee reviewed  
**Continued on page 16**

**Continued from page 15**

the Respondent's letter asking to reinstate his license, accepted the ethics course documentation submitted by Respondent, and accepted Respondent's civil penalty payment in the amount of \$500.00.

In order to reinstate the Respondent's Architect license, Respondent must complete all the requirements in effect at the time of his application for reinstatement. Completion of the course taken on April 20th, 2010, for ten (10) contact hours submitted for the purpose of fulfilling the ethics requirement in the July 18th, 1997 Stipulation and Order and the Order for Revocation of License issued on March 19th, 1999 shall not count toward any continuing education requirements for reinstatement.

**ORDER:** Because the conditions listed in the Order for Revocation of License issued to David A. Vogel on March 19, 1999 have been satisfied, that David A. Vogel is eligible to apply for reinstatement upon completion of all the requirements listed in [paragraph 4 above].

**In the Matter of John W. Callahan  
Professional Engineer License #13194**

On July 22, 2010, the Board issued an Order for Revocation of Professional Engineer License. Facts: On May 24, 2010, the Board received a Notice of License Revocation from the Minnesota Department of Revenue, which advised the Board that Respondent has not filed Minnesota tax returns as requested. Under Minnesota Statutes section 270C.72 (2008), the Board must revoke Respondent's license.

**Order:** Respondent's license shall be REVOKED pursuant to Minnesota Statutes section 270C.72, subdivision 1 (2008). During the period of revocation Respondent shall not offer to perform or perform any services in this state that require licensure as an engineer, including holding himself out to the public as a professional engineer. During the period of revocation, Respondent shall remove the designation of being a licensed professional engineer from all Respondent's advertisements, business cards, business forms, and signage. The revocation shall take effect immediately and shall remain in effect until the Board receives a Clearance Certificate from the Minnesota Department of Revenue indicating that Respondent does not owe the State any uncontested delinquent taxes, penalties, or interest and has filed all required returns. If a Clearance Certificate is received, the Board shall then issue an Order to rescind this revocation of Respondent's license.

**In the Matter of Kevin Holmstrom  
Professional Engineer License #24391**

On July 22, 2010, the Board issued an Order for Revocation of Professional Engineer License. Facts: On July 12, 2010, the Board received a Notice of License Revocation from the Minnesota Department of Revenue,

which advised the Board that Respondent has not filed Minnesota tax returns as requested. Under Minnesota Statutes section 270C.72 (2010), the Board must revoke Respondent's license.

**Order:** Respondent's license shall be REVOKED pursuant to Minnesota Statutes section 270C.72, subdivision 1 (2010). During the period of revocation Respondent shall not offer to perform or perform any services in this state that require licensure as an engineer, including holding himself out to the public as a professional engineer. During the period of revocation, Respondent shall remove the designation of being a licensed professional engineer from all Respondent's advertisements, business cards, business forms, and signage. The revocation shall take effect immediately and shall remain in effect until the Board receives a Clearance Certificate from the Minnesota Department of Revenue indicating that Respondent does not owe the State any uncontested delinquent taxes, penalties, or interest and has filed all required returns. If a Clearance Certificate is received, the Board shall then issue an Order to rescind this revocation of Respondent's license.

**In the Matter of Willis L. Gilliard  
Professional Engineer License #9587  
Land Surveyor License #9587**

On August 23, 2010, the Board issued an Order for Revocation of Professional Engineer and Land Surveyor License. Facts: On July 26, 2010, the Board received a Notice of License Revocation from the Minnesota Department of Revenue, which advised the Board that Respondent has not filed Minnesota tax returns as requested. Under Minnesota Statutes section 270C.72 (2010), the Board must revoke Respondent's professional engineer and land surveyor licenses.

**Order:** Respondent's professional engineering and land surveyor licenses shall be REVOKED pursuant to Minnesota Statutes section 270C.72, subdivision 1 (2010). During the period of revocation Respondent shall not offer to perform or perform any services in this state that require licensure as an engineer and or as a land surveyor, including holding himself out to the public as a professional engineer or a land surveyor. During the period of revocation, Respondent shall remove the designation of being a licensed professional engineer and a licensed land surveyor from all Respondent's advertisements, business cards, business forms, and signage. The revocation shall take effect immediately and shall remain in effect until the Board receives a Clearance Certificate from the Minnesota Department of Revenue indicating that Respondent does not owe the State any uncontested delinquent taxes, penalties, or interest and has filed all required returns. If a Clearance Certificate is received, the Board shall then issue an Order to rescind this revocation of Respondent's professional engineer and land surveyor licenses.



**In the Matter of Willis L. Gilliard  
Professional Engineer License #9587  
Land Surveyor License #9587**

On October 22, 2010, the Board issued an Order. Facts: On July 26, 2010, the Board received a Notice of License Revocation from the Minnesota Department of Revenue, which advised that Willis L. Gilliard (“Respondent”) had not filed Minnesota tax returns as requested. On July 29, 2010, the Board issued an Order for Revocation of Professional Engineer License and Land Surveyor License (“Revocation Order”), which revoked Respondent’s Professional Engineer license and Land Surveyor license (Board File No. 2011-0004). On September 20, 2010, the Board received a Clearance Certificate from the Department of Revenue concerning Respondents’ delinquent tax filing situation.

On March 18, 1996, the Department of Revenue issued Revenue Notice #96-01, which states, in part, as follows:

The term revoke, generally implies that the license has been terminated in such a way that the licensee may not be reinstated, or may be reinstated only after a period of time. For purposes of Minn. Stat. § 270.72, the Department of Revenue deems the term revoke to mean that the taxpayers license will be suspended until the tax obligation has been satisfied and the tax clearance certificate has been issued.

This Order is in the public interest.

**Order:** Pursuant to Minn. Stat. §§ 270C.72, and 326.111, subd. 4 (2008), and Revenue Notice #96-01: The Revocation Order, dated July 29, 2010, is hereby VACATED; Respondent’s Professional Engineer License, No. 9587, and Land Surveyor License, No. 9587, respectively, are SUSPENDED effective July 29, 2010; and, The suspensions of Respondent’s Professional Engineer License, No. 9587, and Land Surveyor License, No. 9587, respectively, are LIFTED effective September 20, 2010.

# Code Official C O R N E R

## INTRODUCTION TO AN EFFECTIVE AND PURPOSEFUL GREEN BUILDING CODE

By David Fisher  
Certified Building Official



The International Code Council (ICC), in association with the American Institute of Architects (AIA) and ASTM International, has developed the International Green Construction Code. The International Green Construction Code (IgCC) provides a comprehensive set of requirements intended to reduce the negative impact of buildings on the natural environment. The IgCC and the National Green Building Standards are the base documents for a responsible jurisdictional “Green Building Program.” The content and philosophy of these documents is to ensure an equal understanding of sustainability and cost-effective energy saving outcomes for present and future generations while working in tandem with other leading green rating systems.

The IgCC is consistent and coordinated with the ICC family of Codes and Standards, the “I-Codes,” which offers minimum requirements and also allows for customizing beyond those minimums. This code will work as an overlay to the ICC family of codes and reflect the AIA 2030 Challenge. An IgCC program allows jurisdictions and design professionals to lead by example by adopting and using mandatory requirements, including specific requirements in each environmental category for city buildings, as well as providing an array of incentives to residents and the business community for choosing “voluntary” options, or “project electives” for each specific project.

By including the project electives, this program is more than a rating system. It was created with the intent to be administered by code officials and adopted by governmental units at any level as a tool to drive green building beyond the market segment that has been transformed by voluntary rating systems. It can be used by manufacturers, design professionals, contractors, building departments and jurisdictional leadership. Creating these partnerships leaps ahead of the curve in establishing this revolutionary movement in the building environment. Jurisdictions are now able to customize a program to meet geographical and political agendas by using the minimum standards, special jurisdiction requirements and project electives.

# Board Member Achievements



**Gary E. Demele**, AIA, of Orono, MN, was installed on the National Council of Architectural Registration Boards' (NCARB) Board of Directors at its 91st Annual Meeting and Conference in San Francisco in late June. He was elected by the Council's Mid-Central Conference (Region 4), which comprises the registration boards from Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin in March.

Mr. Demele first became involved with NCARB in the late 1980's when he volunteered to grade the Architect Registration Examination® (ARE®), which is the multi-division exam developed by NCARB and taken by all candidates seeking registration in the United States. In 1995-1996, he chaired the ARE Grading Subcommittee for Building Design. Since then, he has served on the IDP Employment Settings Task Force, the Regional Chairs Committee, the Committee on the Intern Development Program (IDP) and chaired the IDP Program Development Task Force. Additionally, Mr. Demele's service to the profession includes eight years as state IDP coordinator for AIA Minnesota and two years on the IDP Advisory Committee (IDPAC), which is a joint committee of the AIA and NCARB. He was awarded the AIA Minnesota Presidential Citation for his work for IDP in 1998 and 2007. Mr. Demele has served on the Minnesota Board since 2007.



**Lisa Hanni**, LS, was re-appointed to the National Council of Examiners for Engineers and Surveyors' (NCEES) Uniform Procedures and Legislative Guidelines Committee. Ms. Hanni has served on the Minnesota Board since 2007.

**Carl Peterson**, CPA, Public Member, received the Minnesota Society of Certified Public Accountants Special Service award. The award acknowledges his many contributions to the CPA profession including his work with the Minnesota Business Ethics Award program. Peterson practices with the CPA firm of Peterson, Peterson and Associates in Richfield. He joined the MNCPA in 1982. Mr. Peterson has served on the Minnesota Board since 2009.



**Rachelle Schoessler Lynn**, CID, Former Board Member, was inducted into the College of Fellows for the American Society of Interior Designers (ASID) - one of only seven Minnesotans in the history of the distinction. The ASID recognized her career-long commitment to sustainable design, as well as her service and advancement of the profession through her many national and local volunteer activities. Ms. Schoessler Lynn served on the Minnesota Board from 2001 through 2009.



**Sonia Maassel Jacobsen**, PE, Former Board Member, has been elected president of the American Society of Agricultural and Biological Engineers (ASABE) for the year 2011-2012. Ms. Maassel

Jacobsen began her three-year presidential term on the ASABE Board of Trustees at the close of the Society's Annual International Meeting this past summer. She will serve one year each in the positions of president-elect, president, and past president. Ms. Maassel Jacobsen has been heavily involved in Society activities during her 29 years of membership, including serving on the Board of Trustees, as an officer of the Minnesota Section and the Membership Development Council, and in numerous licensure and technical committees.

Ms. Maassel Jacobsen is a hydraulic engineer with the USDA Natural Resources Conservation Service in St. Paul. She served on the Minnesota Board from 1998 to 2006.

## *The Kopischke Award*



**Greg Kopischke**, LA, served on the Minnesota Board from 1994 to 2002. He passed away in 2002 after a valiant struggle with cancer. The Kopischke Award was created by the Council of Landscape Architectural

Registration Boards (CLARB) in 2005 to honor the memory of Mr. Kopischke, a tireless advocate for CLARB, licensure and future landscape architects. This award is dedicated to recognizing outstanding individuals who display Greg's spirit of going beyond the call of duty in contributing to CLARB's mission to protect the public and the environment. The award is only conferred when a nominee is found whose service to CLARB displays Greg's honesty, integrity, dedication, leadership and gentle nature.

The Kopischke Award was given for the first time in 2010 to Karl "Gil" Berry. He was nominated by CLARB Board of Directors Vice President Denise Husband, who described Berry as "honest with great integrity; self-effacing; and good natured with a sense of humor; insightful."



# Meet the New Board Members



**David Krech**  
**Professional Engineer**

Following the receipt of his Bachelor of Civil Engineering degree from the University of Minnesota in 1969, Mr. Krech has practiced structural engineering in Duluth for some 38 years. He co-founded Krech Ojard and Associates Engineering and Architects in 1984 and North Shore Track Services (a railway construction company) in 1991. He received his Master of Business Administration degree from the University of Minnesota in 1979. He is licensed in eleven states and a member of the American Society of Civil Engineers, where he is a Past President of the Duluth Section and has served on the National Committee for Professional Practice. He has also served on the Duluth Board of Building Appeals and the board of the Duluth Builders Exchange.

Now semi-retired, Dave and his wife Yvette split their time between Duluth and Iron River, Wisconsin where they enjoy fishing, golf, biking, skiing, and visits from their three grown children.



**Marjorie Pitz**  
**Landscape Architect**

Ms. Pitz was licensed as a Landscape Architect in 1978, the first year Minnesota landscape architects took the CLARB exam to become registered. She helped new candidates prepare for the exam, and graded exams for CLARB for several years. She has been a member of the American Society of Landscape Architects since 1978, and has served in many capacities, including President and Trustee of the local chapter. Ms. Pitz became a Fellow of ASLA in 1998, recognized for her works.

Marjorie practiced landscape architecture at the St. Paul Housing and Redevelopment Authority, and at St. Paul's Parks and Recreation, before becoming a principal of her firm, Martin & Pitz Associates, Inc. in 1983. Focusing on public spaces, the firm has won numerous awards for streetscapes, parks, campuses, and gardens. Recently, Marjorie spends half her time working on environmental sculpture commissions in the public realm, and co-teaches a course in Therapeutic Landscapes at the University of Minnesota.



**Peter Miller**  
**Prof. Soil Scientist**

Mr. Miller has 17 years of experience in the environmental field since graduating from the University of Minnesota in 1993 with a Bachelor of Science degree in Environmental Studies and Natural Resources. He has been licensed in Minnesota as a Professional Soil Scientist since 2003. From 1996-2002 he worked in both the public and private sectors in Colorado and Arizona.

A native of Minnesota he returned home in 2002 to form Miller Environmental, Inc., an environmental services firm specializing in soil and wetland science related investigations. In 2007, Miller Environmental merged with Wenck Associates, Inc. where Mr. Miller is currently a Principal and Senior Project Manager. Peter also holds additional certifications including: Professional Wetland Scientist, MN Certified Wetland Delineator, and MN Subsurface Sewage Treatment System Designer. He is on the Board of Directors of the Minnesota Onsite Wastewater Association and chair of the Professional Practice Committee for the Minnesota Association of Professional Soil Scientists.

Peter lives in Maple Grove, Minnesota with his wife Meg and their three children, Jenna, Morgan, and David. He enjoys playing golf, fishing, skiing, and following Minnesota's sports teams.

## BOARD MEMBER OPENINGS

The terms of five of our Board members are expiring in January 2011. If you are interested in applying for any of the following positions, please download the application from the Minnesota Secretary of State's website at [www.sos.state.mn.us](http://www.sos.state.mn.us) or contact the Board office at 651-296-2388.

**Architect**  
**Professional Engineer**  
**Land Surveyor**  
**Professional Geologist**  
**Public Member**

Applications are retained and referred to when making appointments for three years.

**MINNESOTA BOARD OF ARCHITECTURE,  
ENGINEERING, LAND SURVEYING,  
LANDSCAPE ARCHITECTURE,  
GEOSCIENCE, AND INTERIOR DESIGN**

85 East 7th Place, Suite 160  
St. Paul, Minnesota 55101

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**JANUARY** TBD 12:30PM ..... COMPLAINT COMMITTEE (SUITE 160)  
**FULL BOARD AND COMMITTEE MEETINGS WILL NOT BE HELD THIS MONTH.**

**FEBRUARY** TBD 12:30PM ..... COMPLAINT COMMITTEE (SUITE 160)  
4 8:00AM - 10:00AM ..... CREDENTIALING COMMITTEE (SUITE 160)  
8:00AM - 10:00AM ..... RULES COMMITTEE (SUITE 295)  
9:30AM - 10:00AM ..... COMPLAINT COMMITTEE  
10:00AM - 12:00PM ..... BOARD MEETING (SUITE 295)  
12:00PM ..... EXECUTIVE COMMITTEE (SUITE 160)

**MARCH** TBD 12:30PM ..... COMPLAINT COMMITTEE (SUITE 160)  
11 8:00AM - 10:00AM ..... ALACID SECTION MEETING (SUITE 160)  
8:00AM - 10:00AM ..... ELSGEO SECTION MEETING (SUITE 295)  
9:30AM - 10:00AM ..... COMPLAINT COMMITTEE  
10:00AM - 12:00PM ..... BOARD MEETING (SUITE 295)  
12:00PM ..... EXECUTIVE COMMITTEE (SUITE 160)

**APRIL** TBD 12:30PM ..... COMPLAINT COMMITTEE (SUITE 160)  
**FULL BOARD AND COMMITTEE MEETINGS WILL NOT BE HELD THIS MONTH.**

**MAY** TBD 12:30PM ..... COMPLAINT COMMITTEE (SUITE 160)  
2 8:00AM - 10:00AM ..... CREDENTIALING COMMITTEE (SUITE 160)  
8:00AM - 10:00AM ..... RULES COMMITTEE (SUITE 295)  
9:30AM - 10:00AM ..... COMPLAINT COMMITTEE  
10:00AM - 12:00PM ..... BOARD MEETING (SUITE 295)  
12:00PM ..... EXECUTIVE COMMITTEE (SUITE 160)

**JUNE** TBD 12:30PM ..... COMPLAINT COMMITTEE (SUITE 160)  
9 8:00AM - 10:00AM ..... ALACID SECTION MEETING (SUITE 160)  
8:00AM - 10:00AM ..... ELSGEO SECTION MEETING (SUITE 295)  
9:30AM - 10:00AM ..... COMPLAINT COMMITTEE  
10:00AM - 12:00PM ..... BOARD MEETING (SUITE 295)  
12:00PM ..... EXECUTIVE COMMITTEE (SUITE 160)